

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

|   |   |                                       |
|---|---|---------------------------------------|
| <b>IN THE MATTER OF:</b>                      | ) |                                       |
|   | ) |                                       |
| <b>SAN ELIJO JOINT POWERS AUTHORITY</b>       | ) |                                       |
| <b>SAN ELIJO WATER RECLAMATION</b>            | ) |                                       |
| <b>FACILITY</b>                               | ) | <b>COMPLAINT NO. R9-2004-0068</b>     |
| <b>2695 MANCHESTER AVENUE</b>                 | ) | <b>FOR</b>                            |
| <b>CARDIFF BY THE SEA, CALIFORNIA</b>         | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |
| <b>WDID NO. 9 000000125</b>                   | ) | <b>WITH</b>                           |
|   | ) | <b>MANDATORY MINIMUM PENALTY</b>      |
| <b>NONCOMPLIANCE WITH ORDER NO. 99-71</b>     | ) |                                       |
| <b>NPDES NO. CA0107999, WASTE DISCHARGE)</b>  | ) | <b>MARCH 12, 2004</b>                 |
| <b>REQUIREMENTS FOR THE SAN ELIJO</b>         | ) |                                       |
| <b>JOINT POWERS AUTHORITY, SAN ELIJO</b>      | ) |                                       |
| <b>WATER RECLAMATION FACILITY</b>             | ) |                                       |
| <b>DISCHARGE TO THE PACIFIC OCEAN</b>         | ) |                                       |
| <b><u>VIA THE SAN ELIJO OCEAN OUTFALL</u></b> | ) |                                       |

**SAN ELIJO JOINT POWERS AUTHORITY IS HEREBY GIVEN NOTICE THAT:**

1. The San Elijo Joint Powers Authority is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on May 12, 2004, at the City of Laguna Beach Council Chambers, 505 Forest Avenue, Laguna Beach, California. The meeting will begin at 9:00 a.m. At the hearing, the San Elijo Joint Powers Authority will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to the San Elijo Joint Powers Authority prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

**ALLEGATIONS**

4. On January 19, 2000 the San Elijo Joint Powers Authority violated Order No. 99-71, *NPDES No. CA0107999, Waste Discharge Requirements for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall*. This violation is due to an exceedance of the total dissolved

solids daily maximum effluent limitation as reported in the January Monthly Monitoring Report.

5. On September 17, 2000 the San Elijo Joint Powers Authority violated Order No. 99-71 due to an exceedance of the total suspended solids daily maximum effluent limitation as reported in the September Monthly Monitoring Report.
6. On September 21 and 22, 2000 the San Elijo Joint Powers Authority violated Order No. 99-71 due to exceedances of the settleable solids weekly average effluent limitation as reported in the September Monthly Monitoring Report.
7. The following facts are the basis for the alleged violations in this matter:
  - a. On November 10, 1999, the Regional Board adopted Order No. 99-71 establishing waste discharge requirements for the discharge of up to 5.25 million gallons per day of treated sewage to the Pacific Ocean from the San Elijo Water Reclamation Facility.
  - b. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation. Water Code Section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. Total suspended solids and settleable solids are Group I pollutants.

The Discharge Specification section of Order No. 99-71 states that the total suspended solids daily maximum effluent limitation is 50 mg/L. On January 19, 2000, the San Elijo Joint Powers Authority reported a total suspended solids result of 70.2 mg/L, which is 40% greater than the Discharge Specification. Therefore, this is classified as a serious violation.

1 serious violation assessed \$3,000 per violation, giving a subtotal of \$3,000 for serious violations.
  - c. Section 13385(i)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each chronic violation whenever a person violates a waste discharge requirement four or more times in any period of six consecutive months. Chronic violations include any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant and does not exceed the effluent limitation by 40 percent.
    - i. On September 17, 2000, the San Elijo Joint Powers Authority reported a total suspended solids result of 61.1 mg/L, which is not 40% greater than the Discharge Specification of 50 mg/L. This violation is

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therefore classified as a chronic violation.

- ii. On September 21, 2000, the San Elijo Joint Powers Authority reported a settleable solids weekly average result of 1.6 mL/L, which is not 40% greater than the Discharge Specification of 1.5 mL/L. This violation is therefore classified as a chronic violation.
- iii. On September 22, 2000, the San Elijo Joint Powers Authority reported a settleable solids result of 1.6 mL/L, which is not 40% greater than the Discharge Specification of 1.5 mL/L. This violation is therefore classified as a chronic violation.

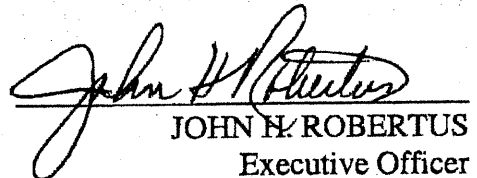
The total suspended solids violation reported on September 17, 2000, and the settleable solids violations reported on September 21 and 22, 2000 were the fourth, fifth, and sixth violations in six consecutive months and must be assessed a total of \$9,000.

Three chronic violations are assessed \$3,000 per violation, giving a subtotal of \$9,000 for chronic violation.

#### **PROPOSED CIVIL LIABILITY**

- 8. Pursuant to Section 13385(h) and (i) of the Water Code a mandatory minimum penalty should be imposed on the San Elijo Joint Powers Authority in the amount of \$12,000, the amount of the mandatory minimum penalty for the above violations.

Dated this 12th day of March 2004

  
JOHN H. ROBERTUS  
Executive Officer

